

ASHLEY ROBERTS and)
TIFFANY TAYLOR)
Plaintiffs)
))
) **Case No.:1:17-CV-04217-ELR**
))
))
v.)
PROFESSIONAL CASE MANAGEMENT)
SERVICES OF AMERICA, INC.,)
and TONI BRANDON, Jointly and Severally)
))
Defendants.)
))

COME NOW, DEFENDANTS, PROFESSIONAL CASE MANAGEMENT
SERVICES OF AMERICA, INC and TONI BRANDON, named as Defendants
herein, by and through their undersigned counsel, and files this their Memorandum
of Law in Opposition to Plaintiffs' Motion for Leave to File an Amended
Complaint showing this Honorable Court as follows:

Local rule 7.1A2 states that all motions except otherwise outlined shall be filed within 30 days after the preliminary report is filed. This is Plaintiffs' third amendment to their Complaint. The amendment is not timely nor is it necessary

for the course of this litigation. In fact, it is an attempt to add six new claims to the existing litigation. Plaintiff is trying to avoid the cost and procedure of a new action while attempting to delay the instant action. It is clear that the scheduling order is designed to prevent unnecessary delay and prejudice to all parties. This motion serves no purpose other than to prejudice the Defendants.

2. PLAINTIFFS MOTION FOR LEAVE TO AMEND SHOULD BE DENIED BECAUSE IT WILL PREJUDICE THE DEFENDANT AND WILL CAUSE UNDUE DELAY

Plaintiffs seek to amend the complaint for the sole purpose of adding unnecessary parties to the present action. Defendants acknowledge that the Courts take a liberal approach to amending a complaint pursuant to Rule 15 of the Federal Rules of Civil Procedure. “ A court may consider several factors when deciding whether to grant a motion to amend, including “undue delay, bad faith or dilatory motive ..., repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, [and] futility of amendment. ” Equity Lifestyle Props., Inc. v. Fla. Mowing & Landscape Serv., Inc., 556 F.3d 1232, 1241 (11th Cir.2009). Defendants contend that Plaintiffs motion will cause undue delay and prejudice.

Plaintiffs have waited more than six months to add new parties to this claim. Plaintiffs amended the Complaint on two prior occasions and failed to add these parties. Defendants consented to the second amendment, but Defendants cannot

consent to the addition of six(6) new Plaintiffs. Plaintiffs argue that it would be in the interest of judicial efficiency and that the discovery on the new Plaintiffs can be completed during the recently extended discovery period. The addition of the new parties would not be in the interest of anyone except the new Plaintiffs and their counsel. It is difficult to believe that Plaintiffs contend that Defendants should be able to complete discovery on six Plaintiffs when an extension was required to complete discovery for the current Plaintiffs.

Defendants would suffer prejudice if the Complaint is amended to add 6 new Plaintiffs. Defendants would not have the benefit of the full discovery period to properly address the new claims. The parties have received an additional 90 days with a new deadline to complete discovery by November 3rd. Plaintiffs' counsel's schedule did not allow the parties to schedule the depositions of the current parties until October. It is not plausible to complete discovery for 6 new parties in the time allotted. The additional Plaintiffs would delay this action for the sole purpose of adding unnecessary parties. Plaintiff's Motion for Leave to Amend should be denied

CONCLUSION

The Plaintiffs seek to amend the Complaint for the sole purpose to add six (6) new Plaintiffs that are not necessary to proceed in the instant action. Said amendment would only serve to delay the current action and prejudice Defendants

in asserting a vigorous defense against the new parties. The Plaintiffs motion will only serve Plaintiff's interest to in saving the cost of the new action and attempting to tie the hands of Defendants in discovery.

WHEREFORE Defendants requests that this Honorable Court deny Plaintiffs' Motion for Leave to Amend the Complaint

This the 6th day of August 2018

/s/Karla Walker

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Attorney for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I am counsel for the defendants and I have this date served a copy of the within and foregoing Defendants' Memorandum of Law in Opposition to Plaintiffs' Motion for Leave to File the Amended Complaint with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record

BRANDON A. THOMAS
The Law Offices of Brandon A. Thomas, PC
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This the 6th day of August, 2018.

/s/KARLA L. WALKER
Karla L. Walker
State Bar No. 732288